

FILED  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA  
 08 JAN 15 AM 9:51

UNITED STATES OF AMERICA,

Plaintiff,

v.

Abel GONZALEZ Jr.

Defendant,

CLERK, U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

08 MJ0106

Magistrate Case No. \_\_\_\_\_

BY: *JP*

DEPUTY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)  
 Bringing in Illegal Alien(s)  
 Without Presentation

The undersigned complainant being duly sworn states:

On or about **January 14, 2008**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Abel GONZALEZ Jr.** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Ivan Alejandro MARQUEZ-Vibanco**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

*Claudia Rios*

Signature of Complainant

Claudia Rios, U. S. Customs and Border  
 Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **15th** day of **January, 2008**.

*[Signature]*  
 UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

The complainant states that **Ivan Alejandro MARQUEZ-Vibanco** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 14, 2008 at approximately 6:34 am **Abel GONZALEZ Jr.** (Defendant) made application for admission into the United States at the San Ysidro Port of Entry as the driver and sole visible occupant of a 1996 white Dodge RAM 1500. Defendant stated to a U.S. Customs and Border Protection (CBP) Officer that he was not bringing anything from Mexico. Defendant presented his valid California Identification Card as proof of identity, and claimed United States citizenship. Defendant stated he was going to San Diego California, and claimed ownership of the vehicle he was driving. During a cursory inspection of the vehicle the officer noticed the rear bench seat appeared uncommonly high from the floor of the vehicle. The CBP Officer pulled a latch outside of the rear seat, lifted the seat and discovered a human being concealed inside a non-factory compartment. Defendant and the vehicle were escorted to vehicle secondary for a more thorough inspection.

During secondary inspection, CBP Officers gained access to the compartment by pulling a latch which released the seat from the compartment. An individual was extricated from inside of the non-factory compartment. The individual was determined to be a citizen of Mexico with no entitlements to enter the United States. The individual was retained as a Material Witness and is now identified as **Ivan Alejandro MARQUEZ-Vibanco** (Material Witness).

During a video recorded interview, Defendant was advised of his Miranda Rights, acknowledged his rights and elected to answer questions without the benefit of counsel. Defendant admitted knowledge of the concealed alien. Defendant admitted if he was successful in smuggling the alien, the person with whom he made the smuggling arrangements would pay him \$400.00 USD.

During a separate recorded interview, Material Witness declared he is a citizen of Mexico with no legal rights or documents to enter the United States. Material Witness stated he was going to pay \$3,000.00 USD or more to be smuggled into the United States. Material Witness said he was going to San Diego, California.